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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,797	05/31/2001	William N. Youstra	06975-107001/Security 07	6602
26171	7590	12/15/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			GOLD, AVI M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,797

Applicant(s)

YOUSTRA, WILLIAM N.

Examiner

Avi Gold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on September 29, 2004 has been entered and fully considered.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Movalli et al., U.S. Patent No. 6,745,936.

Movalli teaches the invention as claimed including methods and apparatus for generating secure endorsed transactions (see abstract).

Regarding claims 1, 19, and 20, Movalli teaches a method, apparatus, and computer program for transmitting electronic data, comprising:

receiving, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient (col. 3, lines 31-39, Movalli discloses

transaction data being sent to a certain party that is first received at data processing system);

endorsing the electronic data based on attributes of the electronic data (col. 3, lines 38-42, Movalli discloses the generation of unique codes, which constitute secure endorsements, from the transaction data and unique identifiers); and

modifying the electronic data with endorsement information (col. 3, lines 38-42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-7, 9-15, 17, 19, 20, 22, 23, 25-27, 29-31, 33, 34, 36, 37, 40, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al., U.S. Patent No. 6,691,156, further in view of Movalli et al., U.S. Patent No. 6,745,936.

Drummond teaches the invention substantially as claimed including techniques for restricting delivery of unsolicited e-mail, commonly known as "spam" (see abstract).

As to claims 1, 19, and 20, Drummond teaches the method, apparatus, and computer program for transmitting electronic data, comprising:

receiving, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient (col. 2, lines 23-36, Drummond discloses email received at the email server for delivery to an email client); and

endorsing the electronic data based on attributes of the electronic data (col. 2, lines 37-56, Drummond discloses an approved address list).

Drummond fails to teach the limitation further including modifying the electronic data with endorsement information.

However, Movalli teaches the invention as claimed including methods and apparatus for generating secure endorsed transactions (see abstract). Movalli teaches the generation of unique codes, which constitute secure endorsements, from the transaction data and unique identifiers (col. 3, lines 38-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drummond in view of Movalli to use endorsement information. One would be motivated to do so because it allows the recipient to easily know that the electronic data is sent from the source that it claims to be from.

Regarding claim 2, Drummond teaches the method of claim 1 wherein endorsing comprises identifying the sender of the electronic data (col. 3, lines 6-10, Drummond discloses a sending address approved for delivery).

Regarding claim 3, Drummond teaches the method of claim 2 wherein the sender is identified by a screen name (col. 3, lines 6-10, Drummond discloses a sending address).

Regarding claim 5, Drummond teaches the method of claim 1 wherein endorsing further comprises designating a level of security corresponding to the sender of the electronic data (col. 7, lines 45-62, Drummond discloses more difficult talks for acknowledgement to be accepted).

Regarding claim 6, Drummond teaches the method of claim 1 wherein endorsing further comprises verifying that at least one attribute of the electronic data is an attribute of an authorized sender (col. 2, lines 37-56).

Regarding claim 7, Drummond teaches the method of claim 2 wherein the attribute comprises a screen name (col. 3, lines 6-10).

Regarding claim 9, Drummond teaches the method of claim 1 wherein endorsing further comprises designating a level of security corresponding to at least one attribute of the electronic data (col. 7, lines 45-62).

Regarding claim 10, Drummond teaches the method of claim 1 further comprising:

storing content of the electronic data in a first storage area of the communications system host (col. 2, lines 37-56, Drummond discloses email stored in a holding queue); and

storing attributes of the electronic data in a second storage area of the communications system host (col. 2, lines 37-56, Drummond discloses an approved address list).

Regarding claim 11, Drummond teaches the method of claim 1 further comprising presenting the endorsement information to the intended recipient (col. 2, lines 37-56).

Regarding claim 12, Drummond teaches the method of claim 1 wherein the endorsement information is presented with the attributes of the electronic data (col. 2, lines 37-56).

Regarding claim 13, Drummond teaches the method of claim 11 wherein the endorsement information is presented with the content of the electronic data (col. 2, lines 37-56).

Regarding claim 14, 40, and 41, Drummond teaches the method of claims 1 and 11 wherein the appended information is capable of being rendered by the intended recipient as an icon indicative of authentication (col. 2, lines 37-56).

Regarding claim 15, Drummond teaches the method of claim 11 wherein the endorsement information is capable of being rendered by the intended recipient as a graphical user interface indicative of authentication (col. 2, lines 37-56).

Regarding claim 17, Drummond teaches the method of claim 1 wherein the electronic data comprises an e-mail message (col. 2, lines 23-36).

Regarding claims 22 and 36, Drummond teaches the computer program of claim 20 and 34 wherein the computer readable medium is a client device (col. 2, lines 23-36).

Regarding claims 23 and 37, Drummond teaches the computer program of claim 20 and 34 wherein the computer readable medium is a host device (col. 2, lines 23-36).

Regarding claims 25, 33, and 34, Drummond teaches a method, apparatus, and computer program for receiving electronic data transmitted from a sender to an intended recipient through a communications system, the communications system endorsing the electronic data based on attributes of the electronic data, the method comprising:

receiving, from a communications system host, information indicating that the electronic data has been endorsed (col. 2, lines 37-56); and

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rendering the information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed (col. 2, lines 37-56).

Regarding claim 26, Drummond teaches the method of claim 25 wherein the endorsement information is rendered by the intended recipient as an icon indicative of endorsement (col. 2, lines 37-56).

Regarding claim 27, Drummond teaches the method of claim 25 wherein the endorsement information is rendered by the intended recipient as a graphical user interface indicative of endorsement (col. 2, lines 37-56).

Regarding claim 29, Drummond teaches the method of claim 25 wherein the endorsement information is rendered with contents of the electronic data (col. 2, lines 37-56).

Regarding claim 30, Drummond teaches the method of claim 25 wherein the endorsement information is rendered with attributes of the electronic data (col. 2, lines 37-56).

Regarding claim 31, Drummond teaches the method of claim 25 wherein the electronic data comprises an e-mail message (col. 2, lines 37-56).

Regarding claim 43, Movalli teaches the method of claim 1 wherein modifying the electronic data includes appending endorsement information to originally-received electronic data (col. 3, lines 38-42).

5. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond and Movalli further in view of Mosberger et al., U.S. Patent No. 6,438,597.

Drummond teaches the invention substantially as claimed including techniques for restricting delivery of unsolicited e-mail, commonly known as "spam" (see abstract). Movalli teaches the invention substantially as claimed including methods and apparatus for generating secure endorsed transactions (see abstract).

As to claims 4 and 8, Drummond and Movalli teach the method of claim 2.

Drummond and Movalli fail to teach the limitation further including the method of claim 2 wherein the sender is identified by an IP address.

However, Mosberger teaches a system and method for managing accesses to a data service system that supports persistent as well as non-persistent connections (see abstract). Mosberger teaches the use of a sender IP address which identifies the user (col. 7, lines 42-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drummond and Movalli in view of Mosberger to use a sender identified by an IP address. One would be motivated to do so because each sender has a unique IP address.

6. Claims 16, 28, 39, 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond and Movalli further in view of McBrearty et al., U.S. Patent No. 6,766,352.

Drummond teaches the invention substantially as claimed including techniques for restricting delivery of unsolicited e-mail, commonly known as "spam" (see abstract). Movalli teaches the invention substantially as claimed including methods and apparatus for generating secure endorsed transactions (see abstract).

As to claims 16, 28, 39, 42, 44, and 45, Drummond and Movalli teach the method of claims 1, 15, 27, and 40.

Drummond and Movalli fail to teach the limitation further including the method of claims 1, 15, 27, and 40 wherein the graphical user interface includes a border indicative of endorsement around contents of electronic data.

However, McBrearty teaches a method and system for identifying to a user when files being displayed on a client system of a network are cached files (see abstract). McBrearty teaches the use of a color-coded border (col. 2, lines 58-67, col. 3, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drummond and Movalli in view of McBrearty to use a border indicative of endorsement around contents of electronic data. One would be motivated to do so because it is a way of visually confirming endorsement without the user needing to read any text.

7. Claims 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond and Movalli further in view of McDonough, U.S. Patent No. 6,714,982.

Drummond teaches the invention substantially as claimed including techniques for restricting delivery of unsolicited e-mail, commonly known as "spam" (see abstract). Movalli teaches the invention substantially as claimed including methods and apparatus for generating secure endorsed transactions (see abstract).

As to claims 18 and 32, Drummond and Movalli teach the method of claims 1 and 25.

Drummond and Movalli fail to teach the limitation further including the method of claims 1 and 25 wherein the electronic data comprises an instant message.

However, McDonough teaches a method of handling a message sent from a sender to a recipient via a network server (see abstract). McDonough teaches the use of electronic data in an instant message.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drummond and Movalli in view of McDonough to use an instant message for passing electronic data. One would be motivated to do so because instant messages are quick way to pass data.

8. Claims 21, 24, 35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond and Movalli further in view of Chaney et al., U.S. Patent No. 6,104,990.

Drummond teaches the invention substantially as claimed including techniques for restricting delivery of unsolicited e-mail, commonly known as "spam" (see abstract). Movalli teaches the invention substantially as claimed including methods and apparatus for generating secure endorsed transactions (see abstract).

As to claims 21, 24, 35, and 38, Drummond and Movalli teach the computer program of claims 20 and 34.

Drummond and Movalli fail to teach the limitation further including the computer readable medium as a disk or a propagated signal.

However, Chaney teaches automatic identification of significant phrases in a machine-readable document (see abstract). Chaney teaches the use of a disk and a propagated signal as computer readable mediums (col. 9, lines 22-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Drummond and Movalli in view of Chaney to use a disk or a propagated signal as a computer readable medium. One would be motivated to do so because they allow for more options to store a computer program.

Response to Arguments

9. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,725,381 to Smith et al.

U.S. Pat. No. 6,640,301 to Ng.

U.S. Pat. No. 6,584,564 to Olkin et al.

U.S. Pat. No. 6,356,937 to Montville et al.

U.S. Pat. No. 5,937,160 to Davis et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

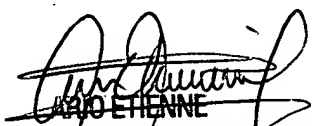
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Avi Gold

Patent Examiner

Art Unit 2157

AMG


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